

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

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| Applicant's or agent's file reference P-10823 PCT | FOR FURTHER ACTION See Form PCT/IPEA/416 | | | | | | | | | | | | | | | | | | | | | | | | | |
| International application No. PCT/SE2003/001923 | International filing date (<i>day/month/year</i>) 09-12-2003 | Priority date (<i>day/month/year</i>) - | | | | | | | | | | | | | | | | | | | | | | | | |
| International Patent Classification (IPC) or national classification and IPC See Supplemental Box | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Applicant Aktiebolaget Electrolux et al | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>6</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <table> <tbody> <tr><td><input checked="" type="checkbox"/></td><td>Box No. I</td><td>Basis of the report</td></tr> <tr><td><input type="checkbox"/></td><td>Box No. II</td><td>Priority</td></tr> <tr><td><input type="checkbox"/></td><td>Box No. III</td><td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td></tr> <tr><td><input type="checkbox"/></td><td>Box No. IV</td><td>Lack of unity of invention</td></tr> <tr><td><input checked="" type="checkbox"/></td><td>Box No. V</td><td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td></tr> <tr><td><input type="checkbox"/></td><td>Box No. VI</td><td>Certain documents cited</td></tr> <tr><td><input checked="" type="checkbox"/></td><td>Box No. VII</td><td>Certain defects in the international application</td></tr> <tr><td><input type="checkbox"/></td><td>Box No. VIII</td><td>Certain observations on the international application</td></tr> </tbody> </table> | | | <input checked="" type="checkbox"/> | Box No. I | Basis of the report | <input type="checkbox"/> | Box No. II | Priority | <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability | <input type="checkbox"/> | Box No. IV | Lack of unity of invention | <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | <input type="checkbox"/> | Box No. VI | Certain documents cited | <input checked="" type="checkbox"/> | Box No. VII | Certain defects in the international application | <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report | | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Box No. II | Priority | | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability | | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention | | | | | | | | | | | | | | | | | | | | | | | | |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Box No. VI | Certain documents cited | | | | | | | | | | | | | | | | | | | | | | | | |
| <input checked="" type="checkbox"/> | Box No. VII | Certain defects in the international application | | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application | | | | | | | | | | | | | | | | | | | | | | | | |

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| Date of submission of the demand 23-06-2005 | Date of completion of this report 26-04-2006 |
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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/SE2003/001923

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: Cover sheet

International patent classification (IPC)

B23D 45/16 (2006.01)

B27B 9/00 (2006.01)

F02M 35/024 (2006.01)

B24B 27/08 (2006.01)

B28D 1/04 (2006.01)

F02B 63/02 (2006.01)

F02M 35/14 (2006.01)

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/SE2003/001923

Box No. I Basis of the report

1. With regard to the language, this report is based on:

the international application in the language in which it was filed
 a translation of the international application into _____, which is the language of a translation furnished for the purposes of:
 international search (Rules 12.3(a) and 23.1(b))
 publication of the international application (Rule 12.4(a))
 international preliminary examination (Rules 55.2(a) and/or 55.3(a))

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

the international application as originally filed/furnished
 the description:
 pages _____ as originally filed/furnished
 pages* _____ received by this Authority on _____
 pages* _____ received by this Authority on _____
 the claims:
 pages _____ as originally filed/furnished
 pages* _____ as amended (together with any statement) under Article 19
 pages* _____ received by this Authority on _____
 pages* _____ received by this Authority on _____
 the drawings:
 pages _____ as originally filed/furnished
 pages* _____ received by this Authority on _____
 pages* _____ received by this Authority on _____
 a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:

the description, pages _____
 the claims, Nos. _____
 the drawings, sheets/figs _____
 the sequence listing (*specify*): _____
 any table(s) related to the sequence listing (*specify*): _____

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages _____
 the claims, Nos. _____
 the drawings, sheets/figs _____
 the sequence listing (*specify*): _____
 any table(s) related to the sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/SE2003/001923

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | | |
|-------------------------------|--------|-------------------------------|-----|
| Novelty (N) | Claims | <u>1-29</u> | YES |
| | Claims | _____ | NO |
| Inventive step (IS) | Claims | <u>12-19, 22, 24, 25-26</u> | YES |
| | Claims | <u>1-11, 20-21, 23, 27-29</u> | NO |
| Industrial applicability (IA) | Claims | <u>1-29</u> | YES |
| | Claims | _____ | NO |

2. Citations and explanations (Rule 70.7)

Documents of special interest cited in the International Search Report:

D1: US 2001003983 A1
 D2: US 5317997 A
 D3: US 4475487 A

Explanation:

The claimed invention relates to a portable working machine. The purpose of the invention is to provide a machine with improved available space for components in the machine unit so the components can be given the appropriate design and shape.

Claim 1:

D1 discloses a portable engine cutter comprising a disc cutter 12, a main body 20 comprising a cover case 21, and a belt driving mechanism 60 between the disc cutter and the main body. The main body, which can be said to correspond to the machine unit in claim 1 of the application, includes a combustion engine 30; handles 23,24; and a throttle trigger 22. As can be understood from fig. 1 the lower parts of the handles 23,24 can serve as supports for the engine cutter. The internal combustion engine 30 is provided with a fuel feeding device 100 consisting of an air cleaner, a carburettor etc., and is disposed inside the cover case in such a manner that it is erected almost vertically but slightly inclined forwardly (see paragraph 23 and fig. 1). When looking at fig. 1 in D1 one can see that the characterising part of claim 1 in the application is known from D1.

.../...

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: Box V

The machine defined in claim 1 of the application differs from D1 in that it comprises a muffler. D1 does not appear to mention anything about a muffler.

The use of a muffler has the effect of reducing noise.

The person skilled in the art is thus faced with the problem of modifying the engine cutter in D1 so noise is reduced.

It is well known in the art to provide portable working machines with a muffler in order to reduce noise. In this context reference is also made to page I., lines 19-20 of your application. The person skilled in the art would therefore instantly realise that noise will be reduced if the engine cutter in D1 is provided with a muffler.

Reference is also made to D2 (see fig. 2 and column 1, lines 5-7 and column 2, line 25-column 4, line 21) and D3 (see fig. 1 and column 2, lines 37-56). D2 discloses a chain saw with a cylinder that is inclined forwardly. It also comprises a muffler 49 etc.. D3 discloses a further example of a chain saw comprising two cylinders having a common axis that extend in the longitudinal direction of the machine frame at a slight forward upward inclination. Claim 1 of the application differs from D2 and D3 in that the tool unit is a circular, disc-shaped tool. The person skilled in the art would realise that the known machine in D2 can be modified to have a circular, disc-shaped tool instead of a chain on a guide bar. Thus, the subject matter claimed in claim 1 lacks inventive step over any of D1-D3.

Claims 2-11, 23, 27-29:

Claims 2-11, 23 and 27-29 appear to define a working machine that the person skilled in the art would arrive at, in light of for instance D1, without undue experimentation.

These claims are therefore considered to lack inventive step.

.../...

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

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Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

Claim 24 discusses a protruding muffler part in a defined form. The first time it is mentioned that the muffler protrudes is in claim 22. The connection of claim 24 to superior claims therefore appears to be wrong. The right connection of claim 24 is believed to be according to claim 22.